

**EXHIBIT A TO JOINT MOTION OF THE AUDITOR DEFENDANTS FOR ENTRY OF
THE SUPPORTING DEFENDANTS' PROPOSED SCHEDULING ORDER**

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

KINNIE MA IRA; JEFFERY S. GRAMM IRA;
STACY GREASOR IRA; VICTOR WADE IRA;
KAZUE BELL; DEAN CROOKS; CORRI RENE
EDEN; CATHERINE KOMINOS; KAREN LOCH;
ROBERT A. STONE LIVING TRUST; SHIRLEY
STONE LIVING TRUST; THE STANLEY S.
AND MILLICENT R. BARASCH LIVING
TRUST; and LORETTA DEHAY,

Plaintiffs,

v.

ASCENDANT CAPITAL, LLC, et al.,

Defendants.

Cause No. 1:19-CV-01050-LY

[PROPOSED] SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order, which is intended to cover the above-captioned litigation through such time as the Court issues a ruling on any motion for class certification:

IT IS ORDERED THAT:

1. **On or before September 30, 2022**, the Parties shall exchange initial disclosures, pursuant to Federal Rule of Civil Procedure 26(a), and shall file with the Court a Joint Report pursuant to Federal Rule of Civil Procedure 26(f).

2. The Parties may commence discovery **fourteen (14) days** following the entry of this Order. The Parties shall complete all class-related discovery **by February 17, 2023**, except that depositions of any experts relating to class certification may be conducted during the time that the Parties are briefing such class certification motion.

3. Plaintiffs and Defendants will make a good-faith effort during the period of discovery prior to **February 17, 2023** to only take discovery that relates primarily to class certification (*i.e.*, the Parties shall not serve document requests, interrogatories, requests for production, or requests for admission that do not relate primarily to class certification, or take any depositions except those that relate primarily to class certification).

4. (a) Plaintiffs shall file any motion for class certification **on or before December 15, 2022**, along with the materials required by Federal Rules of Civil Procedure 26(a)(2)(B) for any expert Plaintiffs seek to use in class certification proceedings, which materials Plaintiffs shall serve on all other Parties, but not file; (b) Defendants' response(s) to Plaintiffs' motion for class certification shall be filed **on or before April 6, 2023**, along with the materials required by Fed. R. Civ. P. 26(a)(2)(B) for any expert Defendants seek to use in class certification proceedings, which materials Defendants shall serve on all other Parties, but not file; and (c) Plaintiffs' reply in support of their class certification motion shall be filed **on or before June 20, 2023**, along with the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for any expert Plaintiffs seek to use on rebuttal in class certification proceedings, which materials Plaintiffs shall serve on all other Parties, but not file.

5. Plaintiffs' motion for class certification shall be filed on a consolidated basis for all Plaintiffs, and Defendants shall make a good-faith effort to file an omnibus or joint opposition(s) to the class certification motion wherever possible. Further, the title of any such opposition(s) shall identify each Defendant joining in any opposition. Any Defendant that joins an omnibus or joint response may file a supplemental brief addressing issues specific to that Defendant only.

6. The Parties asserting claims for relief shall submit a written offer of settlement to opposing Parties **between December 15, 2022 and January 13, 2023**, and each opposing Party

shall respond, in writing, **on or before February 16, 2023**. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The Parties are further ORDERED to retain the written offers of settlement and responses.

7. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **March 16, 2023**.

8. No discovery shall be conducted in the period after February 17, 2023 and through such time as the motion for class certification remains pending, except that depositions of any experts relating to class certification may be conducted during the time that the Parties are briefing such class certification motion.

9. The Parties shall confer, and within forty-five (45) days of the decision on Plaintiffs' motion for class certification, file a Proposed Supplemental Joint Scheduling Order relating to the remainder of this consolidated action, including, *inter alia*, a schedule for merits discovery, for designation of potential witnesses, testifying experts, and proposed exhibits.

SIGNED this _____ day of _____, 2022.

HONORABLE LEE YEAKEL
UNITED STATES DISTRICT JUDGE